

CHAPTER NO. 790

HOUSE BILL NO. 3160

By Representatives Hargrove, Odom, Scroggs, Sharp, Godsey, McDaniel, Wood, David Davis, Hagood, Bunch, Black, Hassell, Beavers, Hargett, Boyer, Bowers, Fitzhugh, Arriola, Sherry Jones, Windle, Lewis, Davidson, Kisber, Eckles, Fowlkes, Pruitt, Head, Hood, Goins, Curtiss, Bone, Montgomery, Briley, Caldwell, Maddox, Brenda Turner

Substituted for: Senate Bill No. 3136

By Senators Burks, Williams, Herron, Kurita, Blackburn

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 38, relative to victim's rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following as a new, appropriately designated section:

40-38-____. (a) Victims under Article I, Section 35 of the Tennessee Constitution have the right to be informed of proceedings and the right to be informed of each of the rights conferred upon such victims.

(b) When a victim appears before a judicial commissioner, magistrate or general sessions court clerk or one of such clerk's duly sworn deputies to obtain an arrest warrant, such commissioner, magistrate, general sessions court clerk or such clerk's duly sworn deputy shall notify the victim of such victim's rights under Article I, Section 35 of the Tennessee Constitution. The Tennessee Victims Coalition will provide, upon request, sufficient copies of the form or brochure to be used to provide notice to victims under this subsection.

(c) If a law enforcement officer obtains an arrest warrant on behalf of a victim, the agency employing such officer shall notify the victim of such victim's rights under Article I, Section 35 of the Tennessee Constitution and of the first court date at which the defendant will be required to appear. The Tennessee Victims Coalition will provide, upon request, sufficient copies of the form or brochure to be used to provide notice to victims under this subsection.

(d) At the defendant's initial court appearance the judge shall inform the victim, if such victim is present, of such victim's rights under Article I, Section 35 of the Tennessee Constitution. The judge shall also inform the victim that the clerk of such court will have a form on which such rights are listed and a phone number which the victim can call for further information regarding future proceedings involving the defendant.

(e) Following the indictment or presentment being returned by a grand jury against the defendant for a violent crime, the district attorney general of the district in which such indictment or presentment was returned shall notify the victim of such offense of such victim's rights under Article I, Section 35 of the Tennessee Constitution and of the dates of all future trial court proceedings involving such defendant.

(f) Following the indictment or presentment being returned by a grand jury against the defendant for a non-violent crime, the district attorney general of the district in which such indictment or presentment was returned shall notify the victim of such offense of such victim's rights under Article I, Section 35 of the Tennessee Constitution and shall give such victim a phone number to call for further information regarding future trial court proceedings involving the defendant.

(g) As used in this section, "violent crime" means any of the following offenses:

- (1) First degree murder as defined in §39-13-202;
- (2) Second degree murder as defined in §39-13-210;
- (3) Voluntary manslaughter as defined in §39-13-211;
- (4) Criminally negligent homicide as defined in §39-13-212;
- (5) Vehicular homicide as defined in §39-13-213;
- (6) Reckless homicide as defined in §39-13-215;
- (7) Aggravated vehicular homicide as defined in §39-13-218;
- (8) Kidnapping as defined in §39-13-303;
- (9) Aggravated kidnapping as defined in §39-13-304;
- (10) Especially aggravated kidnapping as defined in §39-13-305;
- (11) Especially aggravated robbery as defined in §39-13-403;
- (12) Aggravated robbery as defined in §39-13-402;
- (13) Carjacking as defined in §39-13-404;
- (14) Aggravated rape as defined in §39-13-502;
- (15) Rape as defined in §39-13-503;
- (16) Aggravated sexual battery as defined in §39-13-504;
- (17) Sexual battery as defined in §39-13-505;
- (18) Statutory rape as defined in §39-13-506;
- (19) Aggravated spousal rape, spousal rape and spousal sexual battery as defined in §39-13-507;
- (20) Rape of a child as defined in §39-13-522;
- (21) Sexual battery by an authority figure as defined in §39-13-527;

- (22) Aggravated arson as defined in §39-14-302;
- (23) Especially aggravated burglary as defined in §39-14-404;
- (24) Incest as defined in §39-15-302;
- (25) Aggravated child abuse and neglect as defined in §39-15-402;
- (26) Aggravated assault as defined in §39-13-102 which results in serious bodily injury;
- (27) Vehicular assault as defined in §39-13-106; or
- (28) Stalking as defined in §39-17-315.

(h) As used in this section, "non-violent crime" means any crime not defined as a "violent crime" in subsection (g).

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following as a new, appropriately designated section:

40-38-____. (a) After, indictment, presentment, or information, the office of the prosecuting attorney through the victim witness coordinator shall provide the victim with the following information:

- (1) The procedural steps involved in a criminal prosecution;
- (2) Dates, times and places of all proceedings involving the victim's case;
- (3) The availability of victim's compensation benefits; and
- (4) Forms to invoke compensation benefits and other rights.

(b) The victim has a duty to keep current information regarding such victim's location so that the victim witness coordinator may be able to contact such victim if necessary.


SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 11, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2000


DON CONQUIST, GOVERNOR